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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,066	10/17/2003	Gregory Scott Clark	215.1022.01	8137
22883	7590	07/03/2007		
SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013			EXAMINER NEURAUTER, GEORGE C	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/688,066</p>	<p>Applicant(s)</p> <p align="center">CLARK, GREGORY SCOTT</p>	
	<p>Examiner</p> <p align="center">George C. Neurauter, Jr.</p>	<p>Art Unit</p> <p align="center">2143</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date <u>2/23/2007</u>.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|--|---|

DETAILED ACTION

Claims 1-22 are currently presented and have been examined.

Response to Arguments

Applicant's arguments filed 2 May 2007 have been fully considered but they are not persuasive.

The Applicant continues to argue that Rutherglen does not teach or suggest the limitation "wherein the file is pushed from the server through the firewall to the file transfer gateway". The Examiner is not persuaded by this argument. The Applicant argues that "Applicant has carefully review the applied art, Rutherglen, and sees no mention of a push operation in [the context as shown on page 6, line 14-page 7, line 3, page 11, lines 1-5, and page 29, line 16-page 30, line 19]".

MPEP 2111.04 states:

"Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure."

While the specification provides specific steps in different embodiments for "pushing" a file, these steps have not been read into the claims. The nominal recitation for "pushing" a file from a server to the file transfer gateway on the client through the firewall does not require that such steps be

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performed, therefore, the limitation argued by the Applicant does not further limit the scope of the claimed invention.

Further, Rutherglen disclosed:

"FIG. 2 illustrates more details of the system shown in FIG. 1 wherein the client 22 is executing a database distributed computer application and needs to access data stored on a database server 62 wherein the client is behind a corporate firewall 64. In more detail, each client 22 may further include a database client application 70, that may be one or more Java applets downloaded from the application server 60 and being executed by the client computer and a database proxy object 72 that communicates with the application server 60 as shown to request data. The application server 60 may further include a set of Java servlets 74 (which are Java applets that are executed by the application server and whose user interface is served to the client computer as one or more web pages as is well known) and a set of database drivers 76 that access the data stored in the database server 62. In the example herein, the database drivers may be JDBC drivers. The set of servlets 74 help create the connections between the client and the application server and the database server, execute the database statements/queries on the application server, and return the database query results back to the client. The client interacts

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with the application server using the standard HTTP protocol."

(paragraph 0038)

"The serialized objects are tunneled through using HTTP between the client and the Java application server." (paragraph 0056)

In view of these disclosures and the disclosures as shown previously, Rutherglen disclosed that files are distributed to file transfer gateways disposed on clients that are behind a firewall by traversing the firewall through the use of the HTTP protocol and tunneling through the firewall. Absent any specific steps that would distinguish Rutherglen from the claimed invention regarding pushing a file through a firewall so that the client is able to receive the file and specifically what element within the claim is actually accomplishing the "pushing", the Examiner submits that Rutherglen recites the nominally recited "pushing" of a file from the server to the file transfer gateway through the firewall, the "pushing" being accomplished by the web site or "application server" by making requests on behalf of clients which are registered with the web site at least by the use of the applet sent to the client by the web site and pushing the response back to the client through the firewall at a subsequent time after the client sends the request and without any specific interaction required by the client.

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Therefore, the claims are not in condition for allowance in view of the claims as presented and the disclosures of Rutherglen.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-12, and 14-22 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2003/0033517 A1 to Rutherglen et al.

Regarding claim 1, Rutherglen discloses a method of transferring a file to or from a server (referred to throughout the reference as a "database server") past a firewall, comprising the steps of:

accessing a web site ("application server"; paragraph 0032) behind the firewall, the web site having a web page including an applet, and the web site associated with the server; receiving the web page and the applet from the web site; (paragraph 0031)

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sending the applet to an application at a file transfer gateway ("database proxy object"); and transferring the file between the file transfer gateway and the server through the firewall, wherein the file is pushed from the server through the firewall to the file transfer gateway. (paragraphs 0020, 0030, 0038, and 0040)

Regarding claim 2, Rutherglen discloses a method as in claim 1.

Rutherglen discloses herein the web site is at a collaboration manager separate from the server. (paragraphs 0031, specifically "In the example shown, the...system may include an application server 60 and a database server 62." (see also Figure 1) and paragraph 0105, specifically "In another scenario, the database server and the application server are on separate physical machines...")

Regarding claim 4, Rutherglen discloses a method as in claim 1.

Rutherglen discloses wherein accessing the web site and receiving the web page and the applet are performed using a web browser. (paragraph 0030)

Regarding claim 5, Rutherglen discloses a method as in claim 4.

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Rutherglen discloses wherein the web browser and the file transfer gateway are implemented on a client. (paragraphs 0030 and 0038)

Regarding claim 6, Rutherglen discloses a method as in claim 1.

Rutherglen discloses wherein the application at the file transfer gateway is a file transfer service implemented on a client or edgebox. (paragraph 0038)

Regarding claim 7, Rutherglen discloses a method as in claim 6.

Rutherglen discloses wherein transferring the file between the file transfer gateway and the server is performed over a virtual channel between the file transfer service at the file transfer gateway and a file transfer adapter at the server. (paragraphs 0038 and 0040)

Regarding claim 8, Rutherglen discloses a method as in claim 1.

Rutherglen discloses wherein the file is transferred in chunks. (paragraphs 0036 and 0037)

Regarding claim 9, Rutherglen discloses a method as in claim 8.

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Rutherglen discloses wherein the chunks are transferred using a basic hypertext transport mechanism. (paragraphs 0036 and 0037)

Regarding claim 10, Rutherglen discloses a method as in claim 1.

Rutherglen discloses further comprising the step of encrypting, decrypting, or performing some other operation on the file before or after transferring the file. (paragraphs 0020, 0030, 0038, and 0040; see also Figures 3A and 3B)

Regarding claim 11, Rutherglen discloses a method of transferring a file to or from a server past a firewall, comprising the steps of:

authenticating access by a requestor to a web site behind the firewall, the web site having a web page including an applet, and the web site associated with the server; sending the web page and the applet to the requestor; receiving a request from the requestor to transfer the file to or from the requestor; transferring the file between the file transfer gateway and the server through the firewall, wherein the file is pushed from the server through the firewall to the file transfer gateway. (paragraphs 0008, 0020, 0030, 0031, 0038, and 0040)

Regarding claim 12, Rutherglen discloses a method as in claim 11.

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Rutherglen discloses wherein the requestor is a browser or edgebox. (paragraph 0030)

Claims 14-18 are also rejected since these claims recite substantially the same limitations as recited in claims 2 and 7-10 respectively.

Regarding claim 19, Rutherglen discloses a method of downloading a file from a server past a firewall, comprising the steps of:

registering with the server behind the firewall; polling the server for files to be downloaded; and downloading the file from the server through the firewall over a virtual channel; wherein the file is transferred in chunks using a basic hypertext transport mechanism. (paragraphs 0036-0038, 0040, and 0082)

Claim 20 is also rejected since claim 20 recites substantially the same limitations as recited in claim 10.

Claims 21 and 22 are also rejected since claims 21 and 22 recite substantially the same limitations as recited in claims 19 and 10 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutherglen in view of "Java Applet Signing Guide" to Wilson.

Regarding claim 3, Rutherglen discloses a method as in claim 1.

Rutherglen discloses wherein a user accessing the web site is authorized prior to retrieval of the applet. (paragraph 0008, 0030, and 0036)

Rutherglen does not expressly disclose wherein the applet is signed, however, Wilson does disclose this limitation (page 5, first paragraph)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Wilson discloses that signing applets enables the user to determine whether the source of the applet can be trusted (page 5, first paragraph). In view of these specific advantages and that the references are directed to communicating information between a client and a server, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

Claim 13 is also rejected since claim 13 recites substantially the same limitations as recited in claim 3.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

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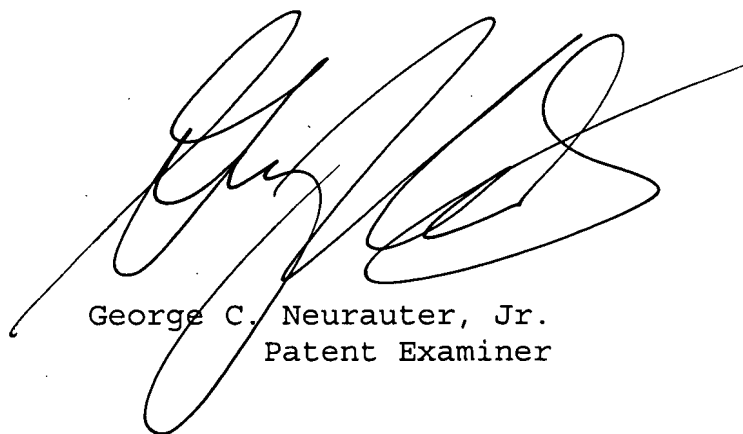
expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 571-272-3918. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



George C. Neurauter, Jr.
Patent Examiner